

1241.000017

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
HISASHI NARIMATSU, ET AL.	:	Examiner: Manjunath N. Rao
	)	
Application No.: 09/744,748	:	Group Art Unit: 1652
	)	
Filed: January 29, 2001	:	Confirmation No. 4282
	)	
For: A NOVEL POLYPEPTIDE	:	
	)	May 15, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO DRAWING OBJECTION AND  
REQUEST FOR CORRECTED NOTICE OF ALLOWABILITY

Sir:

Applicants received a Notice of Allowability dated April 16, 2007 stating

"Drawings submitted in this application are acceptable by the Examiner for examination purposes only.

Color photographs and color drawings are not accepted unless a petition filed under 37 CFR 1.84(a)(2) is granted. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawing section of the specification: (language omitted)."

This requirement is not well-understood.

That is to say, the specification as filed included 16 sheets of drawings including one photograph of Figure 6. However, Figure 6 is a black and white photograph,

not a color photograph. As such, the Rules governing its submission are found not in 37 CFR 1.84(a)(2) but in 37 CFR 1.84(b).

Therein, it is noted that such black and white photographs will be accepted when they are

"the only practicable medium for illustrating the claimed invention. For example, photographs or photomicrographs of: electrophoresis

gels, blots (*e.g.*, immunological, western, Southern, and northern), autoradiographs, cell cultures (stained and unstained),

histological tissue cross sections (stained and unstained), animals, plants, in vivo imaging, thin layer chromatography plates,

crystalline structures, and, in a design patent application, ornamental effects, are acceptable."

Here, the black and white photograph of Figure 6 illustrate an "*in situ* hybridization with slices of mouse brain tissues in order to demonstrate the distribution of mouse Fuc-TIX transcripts." See specification page 60, lines 9-10.

Accordingly, Figure 6 plainly complies with 37 CFR 1.84(b) and no further submissions, copies, petitions or payments are thought to be necessary.

Clarification is respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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